

[7th March, 2001]

RAJYA SABHA

(a) whether the State Governments have changed their rules according to the amended Constitution for Panchayats and Scheduled Areas under the Act notified in the Gazette of India on 24th December, 1996;

(b) whether the implementation of the Act has been reviewed;

(c) the name of the States which have not revised the outdated rules, so far; and

(d) what action Government are taking in this regard?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY): (a) to (d) Information is being collected and will be laid on the Table of the House.

**Vacancy of Judges in High Courts and Supreme Court**

1068. SHRIMATI JAYAPRADA NAHATA: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) the number of vacancies of Judges in the High Courts and Supreme Court at present;

(b) by when these are likely to be filled up;

(c) whether Government have decided to reserve some posts of Judges for the persons belonging to SC/ST and OBC; and

(d) if so, the details thereof?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY): (a) and (b) As on 1st March, 2001 the vacancy position in respect of Judges in the Supreme Court of India and in the High Courts was as follows:

Supreme Court of India	:	02
High Courts	:	183

The filling up of vacancies in the Supreme Court of India and the High Courts is a consultative process among the Constitutional authorities. While every effort is made to fill up the existing vacancies expeditiously, vacancies do keep on arising on account of retirement, resignation or elevation of Judges. It is not possible to indicate the exact time by which the vacant posts are likely to be filled up.

(c) and (d) Appointment of Judges of the Supreme Court of India and the High Courts is made under articles 124 and 217 of the Constitution of India

respectively which do not provide for reservation for any caste or class of persons. The Government have, however, addressed letters to the Chief Ministers of the States and the Chief Justices of the High Courts, from time to time, requesting them to locate persons from the Bar belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes, Minorities and Women who are suitable for appointment as High Court Judges.

**Criminal cases pending against legislators**

1069. SHRIMATI JAYAPRADA NAHATA: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

- (a) the number of Legislators, both in Parliament and State Assemblies, with criminal cases pending against them at present;
- (b) whether Government propose to bring forward any legislation to debar such persons from contesting elections; and
- (c) if so, by when?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY): (a) The Minister of Home Affairs, which is administratively concerned with the subject, has informed that the registration, investigation and detection of offences allegedly committed by legislators both in Parliament and State Assemblies is essentially the responsibility of the State Governments. That Ministry has, therefore, stated that no information in this regard is maintained at the Central level.

(b) and (c) Provisions already exist in section 8 of the Representation of the People Act, 1951 according to which a person is disqualified from contesting elections if he is convicted of certain specified offences. In view of the growing allegations of entry of criminal elements into electoral politics, recommendations have been made from time to time by different bodies and individuals like the Committee on Electoral Reforms (Dinesh Goswami Committee), the Law Commission of India (170th Report on Reform of Electoral Laws), the Election Commission of India, etc. for preventing entry of such persons. In a meeting of political parties convened by the Election Commission of India on 29th April, 2000, "Criminalisation of Politics" was one of the items on the agenda. The Election Commission has informed that there was a mixed reaction to the proposal of the Election Commission regarding disqualification before conviction and that there was no consensus on this issue.